

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALMA SUE CROFT, individually and on behalf of all others similarly situated,

Plaintiff,

V.

SPINX GAMES LIMITED, GRANDE GAMES
LIMITED, and BEIJING BOLE
TECHNOLOGY CO., LTD.,

Defendants.

Case No. 2:20-cv-01310-RSM

**STIPULATED MOTION AND
[PROPOSED] ORDER TO AMEND
ORDER GRANTING PRELIMINARY
APPROVAL**

1 **STIPULATED MOTION TO AMEND ORDER GRANTING PRELIMINARY APPROVAL**

2 Plaintiff Alma Sue Croft (“Plaintiff”), and Defendants SpinX Games Limited, Grande
 3 Games Limited, and Beijing Bole Technology Co., Ltd. (“Defendants”) (collectively, the
 4 “Parties”), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 25(a)(1), hereby
 5 stipulate as follows:

6 WHEREAS, Plaintiff filed her motion for Preliminary Approval of the Class Action
 7 Settlement on February 15, 2022 (ECF No. 50);

8 WHEREAS, on March 24, 2022, the Court issued an Order Granting Preliminary Approval
 9 of the Class Action Settlement (ECF No. 60);

10 WHEREAS, due to a typographical error on behalf of Plaintiff’s counsel, counsel has
 11 realized that two dates in the Order Granting Preliminary Approval were inadvertently in conflict
 12 with the terms of the Settlement Agreement (ECF No. 51-1) and Fed. R. Civ. P. 23(h);

13 WHEREAS, in particular, Section 1.6 of the Settlement Agreement provides that the
 14 deadline to file a Claim in this Settlement (the “Claims Deadline”) “shall be set as a date no later
 15 than fifty-six (56) days after entry of the Final Approval Hearing”;

16 WHEREAS, the Parties agree that the Settlement Agreement should have stated that the
 17 Claims Deadline “shall be set as a date no later than fifty-six (56) days after entry of *Final*
 18 *Judgment*”¹;

19 WHEREAS, the Order Granting Preliminary Approval provides that the Claims Deadline
 20 “shall be set as a date no later than fifty-six (56) days after entry of the Final Approval Hearing,”
 21 and the “Deadline to have postmarked and/or filed a written objection to this Settlement Agreement
 22 or a request for exclusion” (the “Objection Deadline”) shall be “no later than fifty-six (56) days
 23 following entry of the Final Approval Hearing”;

24 WHEREAS, Fed. R. Civ. P. 23(h) requires that the Class must receive notice of Class
 25 Counsel’s proposed fee prior to the Objection Deadline, and therefore, the Objection Deadline

27 ¹ Pursuant to Section 1.17 of the Settlement Agreement, “Final Judgment” means the Final
 28 Judgment and Order to be entered by the Court approving the Agreement after the Final Approval
 Hearing.”

must post-date Class Counsel's August 4, 2022 deadline to file their motion for attorneys' fees and litigation expenses;

WHEREAS, the Parties jointly request that the Court amend the Order Granting Preliminary Approval to correct and clarify that:

- the Objection Deadline shall be fourteen (14) days following Class Counsel’s deadline to file a memorandum of points and authorities in support of their fee motion, i.e., August 18, 2022; and
 - the Claims Deadline shall be “no later than fifty-six (56) days after the entry of Final Judgment”;

WHEREAS, the Parties respectfully submit that the Proposed Amended Order Granting Preliminary Approval alleviates the aforementioned conflicts;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the Parties to this action, through their undersigned counsel, and subject to the Court's approval, that:

- (i) the deadline to file a Claim in this Settlement shall be no later than fifty-six (56) days following entry of the Final Judgment;
 - (ii) Class Counsel's deadline to file a memorandum of points and authorities in support of their motion for approval of attorneys' fees and litigation expenses shall be August 4, 2022;
 - (iii) the Objection Deadline shall be August 18, 2022; and
 - (iv) the deadline to file a memorandum of points and authorities in support of the final approval of the Settlement shall be August 29, 2022.

All other dates in the Order Granting Preliminary Approval (ECF No. 60) shall remain the same.

Dated: March 29, 2022

Respectfully submitted,

CARSON NOEL PLLC
By: _____ /s/ *Wright A. Noel*
Wright A. Noel

Wright A. Noel (State Bar No. 25264)
20 Sixth Avenue NE
Issaquah, WA 98027
Telephone: (425) 837-4717
Facsimile: (425) 837-5396

1 Email: wright@carsonnoel.com
2

3 **BURSOR & FISHER, P.A.**
4 By: /s/ Philip L. Fraietta
5 Philip L. Fraietta

6 Philip L. Fraietta (*pro hac vice*)
7 Alec M. Leslie (*pro hac vice*)
8 888 Seventh Avenue
9 New York, NY 10019
10 Telephone: (646) 837-7150
11 Facsimile: (212) 989-9163
12 E-Mail: pfraietta@bursor.com
13 aleslie@bursor.com

14 *Attorneys for Plaintiff*

15 Dated: March 29, 2022

16 **BYRNES KELLER CROMWELL LLP**
17 By /s/ John A. Tondini
18 John A. Tondini, WSBA #19092
19 1000 Second Avenue, 38th Floor
20 Seattle, WA 98104
21 Telephone: (206) 622-2000
22 jtondini@byrneskeller.com

23 Ajay S. Krishnan (*pro hac vice*)
24 Michelle Ybarra (*pro hac vice*)
25 Connie P. Sung (*pro hac vice*)
26 Keker, Van Nest & Peters LLP
27 633 Battery Street
28 San Francisco, CA 94111-1809

29 *Attorneys for Defendants*

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM HEATHCOTE, individually and
on behalf of all others similarly situated,

Plaintiff,

V.

SPINX GAMES LIMITED, GRANDE GAMES LIMITED, and BEIJING BOLE TECHNOLOGY CO., LTD.,

Defendants.

Case No. 2:20-cv-01310-RSM

[PROPOSED] AMENDED ORDER
GRANTING PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

HON. RICARDO S. MARTINEZ

The above-captioned matter came before this Court upon Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement. On March 24, 2022, the Court entered an order granting Plaintiff's motion for preliminary approval. Due to a typographical error in Plaintiff's motion, however, certain dates in the Court's order did not comport with the parties' Settlement Agreement.

Based upon the stipulation of the parties, the prior motion, exhibits, and all the files and proceedings herein, the Court herein amends its order granting preliminary approval and finds as follows:

1. The Court grants preliminary approval of the Settlement based upon the terms set forth in the Settlement Agreement.

2. The settlement terms set forth in the Settlement Agreement appear to be fair, adequate and reasonable to the Settlement Class, and the Court preliminarily approves the terms of the Settlement Agreement, including:

a. A Settlement Fund of \$3,500,000:

b. An Incentive Award, which shall not exceed \$5,000 for Plaintiff Alma Sue Croft;

- 1 c. Attorneys' fees to Settlement Class Counsel, which shall not exceed 25% of
 2 the Settlement Fund, plus reimbursement of expenses; and
 3 d. Reasonable settlement administration expenses.

4 3. The Court grants the Parties' request for certification of the following Rule 23

5 Settlement Class for the sole and limited purpose of implementing the terms of the Settlement
 6 Agreement, subject to this Court's final approval:

7 All Persons who played the Applications on or before January 31,
 8 2022, while located in the state of Washington.²

9 4. The Court preliminarily appoints Philip L. Fraietta and Alec M. Leslie of Bursor &
 10 Fisher, P.A. as Class Counsel, and Plaintiff Alma Sue Croft as Settlement Class Representative.

11 5. This Court approves, as to form and content, the notice of proposed class action
 12 settlement (the "Notice"), in substantially the form attached to the Settlement Agreement as
 13 Exhibits B, C and D. The Court approves the procedure for Settlement Class Members to opt out
 14 of, or object to, the Settlement as set forth in the Settlement Agreement Notice.

15 6. The Court directs the mailing of the Settlement Class Notice by email and/or First-
 16 Class U.S. mail to the Settlement Class Members in accordance with the schedule set forth below.
 17 The Court finds the dates selected for the mailing and distribution of the Notice, as set forth below,
 18 meet the requirements of due process and provide the best notice practicable under the
 19 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

Event	Deadline
Plaintiff to issue subpoena and rider to Platform Providers as described in the Agreement § 4.1.	No later than thirty (30) days of execution of Settlement Agreement

25 2 Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this Action and members of their
 26 families; (2) the Defendants, Defendants' subsidiaries, parent companies, successors, predecessors, and any entity in
 27 which the Defendants or their parents have a controlling interest and their current or former officers, directors, agents,
 attorneys, and employees; (3) persons who properly execute and file a timely request for exclusion from the class; and
 (4) the legal representatives, successors or assigns of any such excluded persons.

1	Defendant to provide completed Settlement Class List to Class Counsel and the Settlement Administrator	No later than fourteen (14) days after receiving the data per § 4.1 of the Settlement Agreement
2	Settlement Administrator to provide Notice on the settlement website	No later than seven (7) days after entry of Preliminary Approval
3	Settlement Administrator to mail Notice via Email and/or First-Class U.S. Mail.	No later than sixty (60) days after entry of Preliminary Approval
4	Settlement Administrator to send Reminder Notice via email	No later than thirty (30) days prior to the Claims Deadline
5	Deadline to have postmarked and/or filed a Claim to this Settlement	No later than fifty-six (56) days following entry of the Final Judgment

11 7. The Court appoints JND Legal Administration as the Settlement Administrator.

12 8. The Court adopts the following dates and deadlines:

13 9. The Objection/Exclusion Deadline is scheduled for **Thursday, August 18, 2022**.

14 10. Class Counsel shall file a memorandum of points and authorities in support of their motion for approval of attorneys' fees and litigation expenses no later than **Thursday, August 4, 2022**.

15 11. Settlement Class Counsel shall file a memorandum of points and authorities in support of the final approval of the Settlement Agreement no earlier than **Monday, August 29, 2022**, eleven (11) days following the Objection/Exclusion Deadline.

16 12. A final settlement approval fairness hearing on the question of whether the proposed Settlement, attorneys' fees to Settlement Class Counsel, and the Settlement Class Representative's Incentive Award should be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is scheduled for **Thursday, September 8, 2022, at 9:00 a.m.** before the Court.

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2 Dated this day _____ of _____, 2022
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The Honorable Ricardo S. Martinez
Chief United States District Judge